
ORDINANCE 2022-02

**CITY OF DALLAS, GEORGIA
CHAPTER 24, OFFENSES AND MUNICIPAL COURT
ARTICLE I. IN GENERAL**

**SECTION 24-14 BEGGING AND SOLICITING ALMS BY ACCOSTING
OR FORCING ONESELF UPON THE COMPANY OF ANOTHER AND
SECTION 24-15 URBAN CAMPING AND IMPROPER USE OF PUBLIC PLACES**

WHEREAS The charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt ordinances and/or to amend existing ordinances:

AND

WHEREAS, The Mayor and Council has the responsibility to provide for the public health, safety and welfare by the control and efficient adoption of Ordinances within the City of Dallas, Georgia which includes the responsibility to provide for a Ordinance concerning begging and soliciting, alms by accosting or forcing oneself on others in public places and urban camping and improper use of public places within the City of Dallas, Georgia;

AND

WHEREAS, The Mayor and Council of the City of Dallas, Georgia desire to adopt and enact the following to Chapter 24, Offenses and Municipal Court, Article I. In General Section 24-14 Begging and Soliciting Alms by Accosting or Forcing Oneself Upon the Company of Another and Section 24-15 Urban Camping and Improper Use of Public Places

AND

NOW

THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia that Chapter 24, Offenses and Municipal Court, Article I. In General, Section 24-14 Begging and Soliciting Alms by Accosting or Forcing Oneself Upon the Company of Another and Section 24-15 Urban Camping and Improper Use of Public Places as the Ordinances of the City of Dallas, Georgia is hereby is hereby adopted as follows:

Sec. 24-14. Begging and soliciting alms by accosting or forcing oneself upon the company of another.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person, or upon property in his/her immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (b) *Exceptions.* Except when performed in the manner in subsections (d)(1) or (2) of this section, or in any of the locations set forth in subsections (c)(1)—(8) of this section, it shall not be unlawful to ask, beg, or solicit money or other things of value.
- (c) *Location.* It shall be unlawful for any person to solicit money or other things of value:
- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 - (2) Within 15 feet of the entrance to or exit from any public toilet facility;
 - (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 - (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - (5) In any public transportation vehicle, or in any bus station, or within 15 feet of any bus stop or taxi stand;
 - (6) From any operator of motor vehicle that is in traffic on a public street; provided however that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
 - (7) From any person (s) who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
 - (8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
- (d) *Manner.* It shall be unlawful for any person to solicit money or other things of value:
- (1) By accosting another; or
 - (2) By forcing oneself upon the company of another.
- (e) *Persons who may press charges* under this Code section shall include not only the victim of the prohibited solicitation, but also any person who witness such conduct, including but not limited to police officers, and bystanders. Evidence to support conviction for violation of this Code section may include, but is not limited to testimony of such witness, videotape evidence of the violation, and/or other admissible evidence.

Sec. 24-15. Urban camping and improper use of public places.

- (a) *Definitions.* The following words, terms and phrases, when used in this section 24-15, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"*Bridge*" means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of "Bridge" shall include a controlled access highway overpass as defined herein.

"*Camp*" or "*camping*" means the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City of Dallas, Paulding County, Georgia for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging. For purposes of this section 24-15, the terms "camp" and "camping" do not include activity that occurs solely within city-owned parks.

"*City*" means the City of Dallas, Georgia.

"*Controlled access highway overpass*" means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.

"*Interference (or "interfere") with ingress and egress*" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

"*Park*" or "*parks*" means any city-owned park.

"*Public property*" means any street, sidewalk, and/or other right-of-way, within the City of Dallas, Georgia.

"*Storing (or "store") personal property*" means leaving one's personal effects unattended on public property, in any area underneath a bridge, and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation.

- (b) It shall be unlawful for any person to camp.
- (c) It shall be unlawful for any person to store personal property.
- (d) It shall be unlawful for any person to interfere with ingress and egress.
- (e) No person may be arrested for violating this code section until s/he has received an oral or written warning from the City of Dallas Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, s/he may be arrested for violation of this section.
- (f) Where personal property is stored in violation of subsection (c) above, the City of Dallas Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.

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- (g) The prohibitions set forth in subsections (b) and (c) above shall not apply during a permitted outdoor event (as may be defined in any of the City of Dallas, Georgia Code of Ordinances) on property where the outdoor event is located, as set forth in a city-issued outdoor event permit, unless the permit explicitly prohibits the activity.
 - (h) The prohibitions set forth in subsections (c) and (d) above shall not apply to activity permitted pursuant to Any other Article of City of Dallas, Georgia Code of Ordinances.
 - (i) The prohibitions set forth in this section 24-15 shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.
 - (j) The prohibitions set forth in this section 24-15 shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.

SO SHALL IT BE ADOPTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS _____ DAY OF _____. 20__.

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

ATTEST:

CITY CLERK